pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NORTHEAST REGIONAL OFFICE
CLEAN WATER PROGRAM

NPDES PERMIT FACT SHEET ADDENDUM

Application Type	**Renewal**	Application No.	**PA0061131**
Facility Type	**Sewage**	APS ID	**545636**
Major / Minor	**Minor**	Authorization ID	**1157189**

Applicant and Facility Information

Applicant Name	**Dalton Sewer Authority Lackawanna County**	Facility Name	**Dalton Sewer Authority WWTP**
Applicant Address	PO Box 538 Dalton, PA 18414-0538	Facility Address	2047 Turnpike Road Laplume, PA 18414
Applicant Contact	David Beckish	Facility Contact	David Beckish
Applicant Phone	(570) 563-1354	Facility Phone	(570) 563-1354
Client ID	75084	Site ID	250901
SIC Code	4952	Municipality	Dalton Borough
SIC Description	Trans. & Utilities - Sewerage Systems	County	Lackawanna
Date Published in PA Bulletin	11/2/2019	EPA Waived?	Yes
Comment Period End Date	12/17/2019 (extended per permittee request)	If No, Reason	-
Purpose of Application	Application for a renewal of an NPDES permit for discharge of treated Sewage		

Internal Review and Recommendations

This Fact Sheet Addendum is for a Redraft NPDES Permit. The previous Redraft NPDES Permit was obsolete due to age, changes in standard NPDES Permit Template conditions, and changes in Chapter 93 WQS (including E Coli and Ammonia-N), and updated water quality modeling/Reasonable Potential Analysis.

Changes to Previous 2019 Redraft NPDES Permit: Changes to the 10/16/2019 Redraft NPDES Permit for this 0.140 MGD municipal STP discharge to Ackerly Creek (TSF; Stream Code# 28829; known causes of impairment including: pathogens of unknown origin and siltation due to urban runoff/storm sewers) include:

- Updated NPDES Permit Template Conditions Parts A and B. The Part C.II (Chesapeake Bay Nutrients Definition) has been added for informational purposes.
- Updated Part C.V (WQBELs for Toxics Condition) to incorporate current standard language and updated 48-month Schedule of Compliance. The Part C.III (Schedule of Compliance: Ammonia-N and TRC) has been updated for consistency.
- Quarterly E Coli monitoring required (new Chapter 93 Water Quality Standard).
- Added significant digit to interim TRC limits to clarify compliance requirements.
- Daily Max limits: Daily Max limits, set at the existing/proposed IMAX limit, have been incorporated to ensure reporting of exceedances. Any exceedance of an IMAX limit is a permit limit exceedance, of whatever duration. Anti-backsliding does not allow for less stringent interim Ammonia-N IMAX or daily maximum limit.
- The DEP Reasonable Potential/Water Quality Modeling (Toxic Management Spreadsheet replaced PENTOXSD and WQM Model 7.1 has been updated for revised Ammonia-N WQS) was updated. **New permit limits and monitoring requirements resulted**:

Approve	Return	Deny	Signatures	Date
X			James D. Berger (signed) James D. Berger, P.E. / Environmental Engineer	June 4, 2021
X			Amy M. Bellanca (signed) Amy M. Bellanca, P.E. / Environmental Engineer Manager	6-10-21
NA			NA – not required for Redraft NPDES Permit Bharat Patel, P.E. / Environmental Program Manager	**NA**

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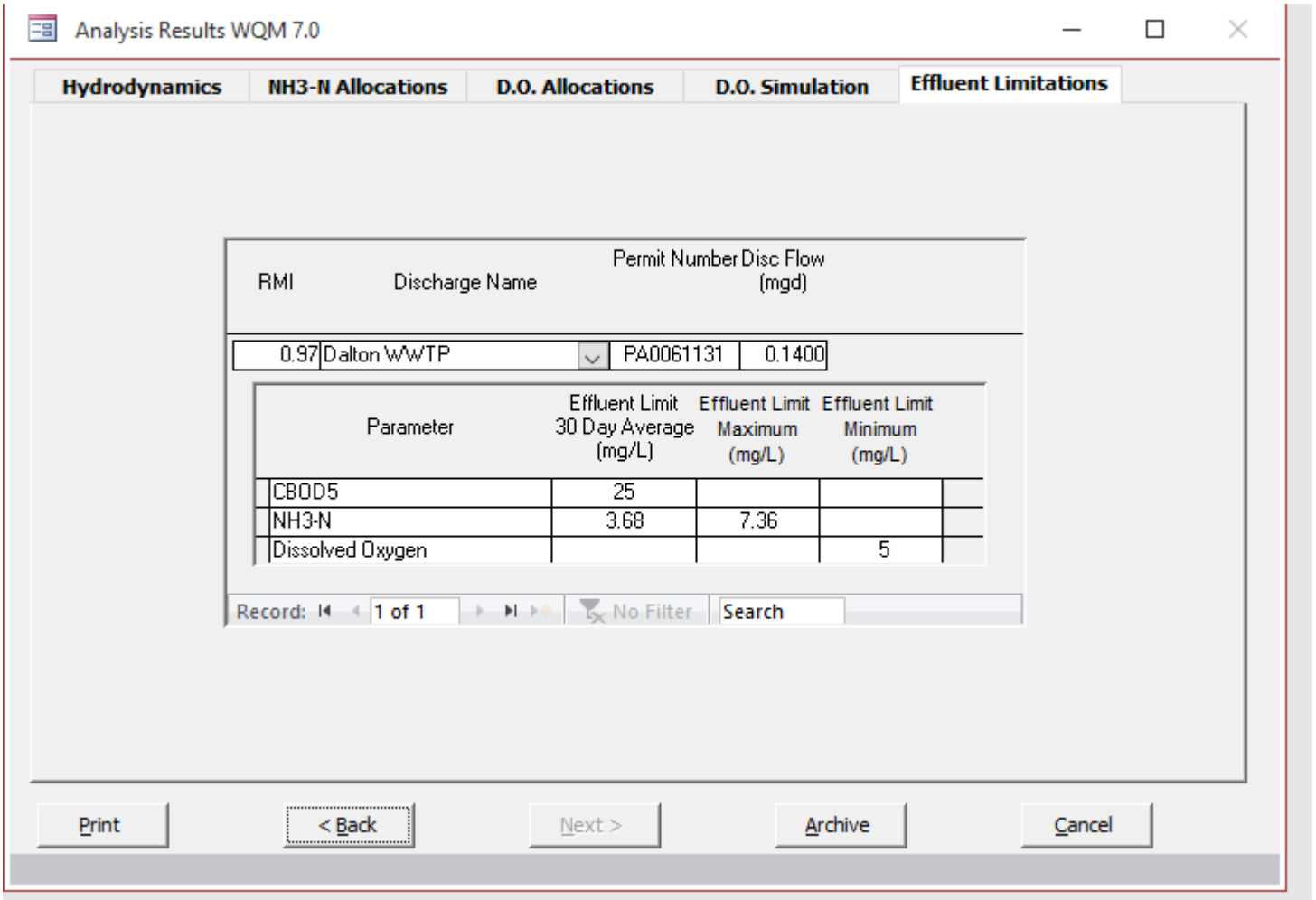
- **Toxic Management Spreadsheet Output**: Revised copper limits and additional lead and zinc monitoring requirements resulted. Minimum monthly monitoring for lead and zinc. Please note the Department will use any Part C.IV site-specific inputs to update the Reasonable Potential/water quality modeling for all three constituents. It is possible for site-specific inputs to result in new or more stringent permit limits.

☑ ***Recommended WQBELs & Monitoring Requirements***

No. Samples/Month: 4

	Mass Limits		*Concentration Limits*						
Pollutants	AML (lbs/day)	MDL (lbs/day)	AML	MDL	IMAX	Units	Governing WQBEL	WQBEL Basis	Comments
Total Copper	0.02	0.03	16.8	25.9	42.1	µg/L	16.8	AFC	Discharge Conc ≥ 50% WQBEL (RP)
Total Lead	Report	Report	Report	Report	Report	µg/L	6.11	CFC	Discharge Conc > 10% WQBEL (no RP)
Total Zinc	Report	Report	Report	Report	Report	µg/L	147	AFC	Discharge Conc > 10% WQBEL (no RP)

- **Revised WQM Model 7.1.1 Output**: New summer Ammonia-N limits resulted due to the revised Chapter 93 Water Quality Criteria. Standard winter multipliers were used for winter limits. Please note that you can also gather and provide site-specific data inputs for Ammonia-N concurrent with the Part C.V conditions for refining the water quality modeling prior to the new WQBEL effective date.



Public Comments: The Authority provided public comments in the December 6, 2019 Authority (BCM) Letter.

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- **Previous Public Comments:** See the 10/16/2019 Redraft NPDES Permit Fact Sheet Addendum for previous public comments and Department responses (including additional feedback on recurrent public comments).
- **Proposed Low Flow Yield (LFY)**: The Authority requested use of a 0.05 CFS/square mile Low Flow Yield (LFY) on the basis that it was used in an unidentified NPDES Permit action for a different facility on Ackerly Creek due to "fairness". **The Department cannot grant this request.**
    - **The LFY is a function of the Q7-10 low flow conditions critical to compliance with the regulatory water quality criteria that protect aquatic life, human health, and regulatory-defined water uses. Going with a less protective LFY would be reducing protection of the public health, safety, welfare and environment.**
    - **The USGS PA Streamstats-predicted Q7-10 low flow (allowing direct calculation of the Low Flow Yield) is a (reproducible) scientifically-based method and constitutes best data in the absence of a stream gage at the discharge point. It addresses site-specific factors including changes in drainage areas/drainage area characteristics, and available stream gage data (including upstream points). Failure to use the available scientific best data would be the essence of "unfairness" to any applicant and the citizens of the Commonwealth as well as unprotective of the environment. See previous Fact Sheet Addendum for further discussion.**
    - **If the Authority believes the Department has committed a permitting error with a different NPDES permit action, the Authority is free to identify the permit and provide details to allow for Department corrective action as appropriate.**
- **Request to Modify Part C.IV.B (WQBEL Water Quality-Based Effluent Limitations for Toxic Pollutants: Copper), page 25:** The Authority requested a revision to this condition to provide the Authority the option to decide whether to collect all of the listed site-specific data (including Discharge pollutant concentrations coefficients of variability; Discharge and Background Total Hardness; Background/ambient pollutant concentrations; Metals Chemical translators; stream slope, width, velocity; acute and chronic mixing factors) for the Final WQBEL Report (which will include the Authority's determination whether compliance with the WQBELs by the WQBEL effective date (54 months after Permit Effective Date) is "infeasible". **The Department cannot grant this request at this time. The Part C.V condition has been updated to reflect current standard language and requirements.**
    - **The Part C.V Condition includes provisions in event that any permittee can demonstrate "infeasibility" and Chapter 95.4 requirements for a time extension. See the DEP SOP No. BCW-PMT-037 (Establishing Water Quality-Based Effluent Limitations (WQBELs) and Permit Conditions for Toxic Pollutants in NPDES Permits for Existing Dischargers), available on the DEP SOP webpage, for further guidance on options. See Chapter 95.4 (Extensions of time to achieve water quality based effluent limitations) requirements. See Chapter 92.8a(i) and Chapter 93.8d (including Biotic Ligand Model requirements) in terms of any potential Site-Specific Water Quality Criteria (SSWQC) option.**
    - **The burden falls on the permittee to technically support any proposed request for modification and/or elimination of the Copper WQBELs prior to their effective date and/or otherwise to come into compliance by their effective date.**
        - **The Authority has not identified any potential route to compliance with the WQBELS and has expressed skepticism that it can meet the WQBELs on any schedule.**
        - **The Authority did not identify any specific site-specific data collection or analysis that it thought unnecessary for refining the Department's water quality modeling/Reasonable Potential Analysis with technical rationale.**
            - **If the Authority wishes to solely rely on the TMS-generated mixing factors and stream velocities after incorporating site-specific stream width, stream depth, and stream slope (using surveyed stream locations/elevations), the Department could omit these requirements. The Final WQBEL Compliance Report would be required to include a TMS incorporating all site-specific input data in that event.**
            - **The Department would consider any presented technical rationale for elimination of any other site-specific requirement during the public comment period. However, the Department is unlikely to grant any waiver from submitting site-specific total hardness data, ambient data, or a valid copper metal translator.**
            - **The Authority has the option of submitting a site-specific data collection work plan and/or TRE Work Plan for Department review and comment per the Part C.V condition. Please note the following:**
                - **The Department might not be able to accept any proposed site-specific data inputs that were not obtained by following the Part C.V-specified**

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scientifically-based EPA/DEP Technical Guidance documents. Site-specific conditions must be accurately defined.

- **The Permit condition is not all-inclusive in terms of options. The Authority has the option of additional data collection and analysis for other factors, including a site-specific stream gage and analysis to determine a site-specific Q7-10 low flow if you can show that the data collection and analysis meets acceptable scientifically-based state/national technical guidance policies upfront in a site-specific data collection work plan.**

- **The Part C.V process is not open-ended. The Part C.V schedule includes milestone stages to both refine the WQBELs and to take any needed actions to come into compliance with the proposed WQBELs. Any delays in collecting adequate site-specific information will only take away time the Authority might need for plant upgrading. After the WQBEL effective date, Anti-backsliding Prohibitions might prevent any relief from the proposed WQBELs.**

- **Corrosion Control Feasibility Study (NPDES Permit Part C.V.C.4, page 25):** The Authority expressed concern that the Part C.IV Toxic Reduction Evaluation (TRE) requirement language reads as if the Authority owned and operated the public water system (which is operated by Pennsylvania American Water Company (PAWC) in the Dalton area). The Authority indicated it would contact PAWC for information about its corrosion control program, and will request PAWC's cooperation to determine if it is feasible to implement any corrosion control improvements, but asked that the language reflect that the Authority does not own or operate the public water system. **The requested change is not necessary, as the condition does not identify the Authority as the owner/operator of the public water supply system. Please note the following:**
  - **The Authority has not ruled out the Public Water Supply (PWS) System as a source to allow for elimination of this requirement.**
  - **Source Reduction involves elimination of known or potential sources.**
    - **The condition requires a study to determine feasible options only. Feasible options might include WWTP process modifications to enhance copper removal.**
    - **NPDES Permit Part A.III.C.2 (Changes in waste stream) notification requirements might pertain in event changes in PWS corrosion control chemicals increased WWTP effluent concentrations of zinc and/or Chesapeake Bay nutrients.**
- **Revised Compliance Schedule Request:** The Authority requested a 59-month Schedule of Compliance (superseding the 54-month draft schedule) with a 14-month construction time-frame including modified dates for applying for financing (30 months after PED), Advertising for Bids (36 months after PED), Award Construction Contracts (40 months after PED), Begin Construction (42 months after PED), and Complete Construction (59 months after PED, i.e. by last month of 5-year permit term). **The Department cannot grant this request. The Department has updated the Part C.IV schedule of compliance per current Part C.IV language and several Authority-identified milestones for a 48-month Schedule of Compliance. The Part C.III (Schedule of Compliance: Ammonia-N and TRC) has been updated for consistency.**
  - **Chapter 92a.51 prohibits interim milestones more than one (1) year apart. The proposed schedule included several milestones more than one year apart.**
  - **The Department could not grant the requested 59-month Schedule of Compliance:**
    - **Chapter 92a.51 prohibits schedule of compliance beyond 5-years in the absence of a court order from a court of competent jurisdiction.**
    - **The WQBEL Permit Limit Effective Date must allow time for any potentially required Authority actions (under Part C.V) in event of any delays in meeting the Final WQBEL effective date.**
    - **The 2019 Chapter 94 Report Section IX indicated the facility has already done a feasibility study and preliminary design (now outdated by revised Ammonia-N WQBELs) with a preliminary application for financing for a replacement Sewage Treatment Plant submitted to the US Department of Agriculture. This progress was not reflected in the Authority-proposed schedule. While outdated (due to revised Ammonia-N WQBELs), much preliminary work has been done already.**
    - **The compliance history indicates the facility has not been meeting existing Ammonia-N limits. Chapter 92a.51 requires the facility to take adequate corrective action as soon as practicable. If O&M cannot resolve the issues, then the plant replacement or other plant upgrading must be expedited.**

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- **The Schedule of Compliance Milestones represent the latest possible date for compliance with the interim and final milestones. Nothing prevents any permittee from earlier action and/or concurrent activities. If it can come into compliance sooner, the Authority should do so. (Chapter 92a.51).**
- **The Draft NPDES Permit schedule (below), using the current standard condition milestones plus additional Authority-proposed milestones, provides ample time for the Authority to determine its feasible options and for construction while giving adequate time for completion of each step:**

Action	Due Date*
Submittal of TRE Work Plan to the Department (including Feasibility Study and Alternatives Analysis) and Site-specific Data Collection Study Plan (if requested).	6 months after PED
Complete TRE and Site-Specific Data Collection	18 months after PED
Begin Implementing Actions Identified in the TRE to Reduce Pollutant Load (if applicable)	20 months after PED
Submittal of Final WQBEL Compliance Report meeting all Part C.V requirements**.	30 months after PED
Application for any required financing for construction (if needed) with concurrent written notification to Department	30 months after PED
Advertise for bids for construction (if needed) (with concurrent written notification to Department)	36 months after PED
Award Construction Contracts (if needed) with concurrent written notification to Department	40 months after PED
Construction Progress Reports if needed	Quarterly after awarding the construction contracts
Beginning of Construction (if needed)	42 months after PED
Completion of Construction (if needed)	46 months after PED
Complete Actions Identified in TRE and Comply with Final Permit Limit	48 months after PED

*Compliance milestone dates represent the latest allowable date for completion of that milestone.
**See Chapter 93.8a(i) and 93.8(d) (Site-Specific WQS) requirements and Chapter 95.4 (Time Extension) requirements in event the Authority demonstrates compliance with the WQBELs are infeasible. Chapter 93 no longer allows for use of the old Copper Water-Effects Ratio (WER) methodology. Nothing in this permit shall be construed to authorize a SSWQS Study Plan, SSWQS Report, or Chapter 95.4 Extension.

Request for Written Response or Meeting to discuss above Comments: The Authority Letter indicated the Authority would appreciate a written response or meeting to discuss the above public comments prior to the Department taking any further action on this permit application. **The Redraft NPDES Permit has been issued to allow for additional Authority public comment on the basis of the Redraft Permit Language and responses to previous Authority public comments. The Authority is free to request an additional meeting or conference call in its public comments on this Redraft NPDES Permit. The Department has already met with the permittee regarding these issues as documented by the previous original Fact Sheet and previous Fact Sheet Addendum.**

Compliance History:

- 4/21/2021 Notice of Violation issued for Ammonia-N exceedances, CBOD5 exceedances, TSS exceedances, and late DMR/EDMR submittals (2017 – 2021 time-frames).
- Effluent Violations for Outfall 001, from: June 1, 2020 to: April 30, 2021

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Parameter	Date	SBC	DMR Value	Units	Limit Value	Units
CBOD5	10/31/20	Avg Mo	26.75	mg/L	25	mg/L
CBOD5	10/31/20	Wkly Avg	97	mg/L	40	mg/L
Ammonia	08/31/20	Avg Mo	13.2	mg/L	7.5	mg/L
Ammonia	10/31/20	Avg Mo	13.2	mg/L	7.5	mg/L
Ammonia	09/30/20	Avg Mo	9.85	mg/L	7.5	mg/L
Ammonia	07/31/20	Avg Mo	14.71	mg/L	7.5	mg/L

- The 6/2/2021 WMS Query (Open Violations by Client Number) indicated no open violations (but ongoing issues as noted above):

Permit: PA0061131
Client ID: 75084
Client: All

Open Violations: 0

No data was found using the criteria entered. Please revise your choices and try again.